

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-20484 - APPLICANT: THE ISLAND DEVELOPMENT, LLC OWNER: NEAR AND FAR, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 15, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. A Waiver of Title 19.08.060 Residential Adjacency Standards that requires a 3:1 residential proximity slope is approved.
3. All development shall be in conformance with the site plan, landscape plan, date stamped 05/24/07, and building elevations, date stamped 03/13/07, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
12. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
13. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the "Bonneville/Clark One-Way Couplet" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

18. Dedicate a 25-foot radius on the southeast corner of Lewis Avenue and Maryland Parkway and the southwest corner of Lewis Avenue and 13<sup>th</sup> Street prior to the issuance of any permits, unless otherwise allowed by the City Engineer. In addition, dedicate the necessary right-of-way to accommodate a turn lane acceptable to the City Engineer from Maryland Parkway onto Rue 13 prior to the issuance of any permits.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
20. A sanitary sewer relocation and abandonment plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works prior to the submittal of a Tentative Map or civil construction drawings for this site. The existing sewer line must be relocated, and the easement vacated prior to issuance of any permits for the proposed structure. In addition, grant public sewer easements for all public sewers not located within existing public street right-of-way. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City. Sewer service to existing downstream parcels shall be maintained during relocation.
21. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site.
22. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
23. Landscape and maintain all unimproved rights-of-way, if any, on Rue 13, Maryland Parkway, and Lewis Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
24. Submit an Encroachment Agreement for all landscaping, if any, located in the Rue 13, Maryland Parkway, and Lewis Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
25. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved

Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

26. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
27. No closures of public street right-of-way shall be permitted for construction staging or during construction. Submit a plan for approval by the City Engineer prior to the issuance of any permits.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a proposed Site Development Review Plan (SDR-20484) with a waiver of the 3:1 residential proximity slope for a mixed-use 50-story high rise within the Redevelopment Overlay District but outside of the Downtown Centennial Plan Overlay area. There are two Special Use Permit applications to allow a mixed-use development and a restaurant and three variance requests that accompany this case. The first variance is to allow a 15' setback where a 1:1 ratio is required for buildings over 35' high and the second would permit lot coverage to be 60.57% where 50% is the maximum permitted by code. The third variance would allow two loading docks where 10 are required. In addition to the 497 residential units, there would be over 99,000 square feet devoted to offices, a grocery store and roof-top restaurant.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
06/01/2005	City Council approved a Special Use Permit to allow an Indoor Swap Meet at the location.
06/14/07	The Planning Commission recommended approval of companion items VAR-20487, VAR-20488, VAR-21263, SUP-20486 and SUP-20740 concurrently with this application.
	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #28/yk).
<i><b>Related Building Permits/Business Licenses</b></i>	
	N/A
<i><b>Pre-Application Meeting</b></i>	
Month/date/year	Description
02/23/07	The applicant was informed of the Variances and Special Use Permits required for the project to move forward. FAA requirements were also discussed. The applicant was advised of schools and churches in the area.
<i><b>Neighborhood Meeting</b></i>	
Month/date/year	N/A
<i><b>Field Check</b></i>	
04/09/07	A large vacant one-story structure sits on the northwest corner of the lot with a parking lot on the south and east sides of the building. The proposed project is located on an "island" created by Maryland Parkway, 13 <sup>th</sup> Street and Lewis Avenue.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	127,159 square feet
Net Acres	80,048 square feet

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	Mixed Use	C-1 (Service Commercial)
North	Apartments/office	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)
South	Apartments/retail	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)
East	Apartments	Mixed Use	R-3 (Multi-Residential) R-4 (Multi-Residential)
West	Apartments/office	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan		X	Y
Iron Mountain Ranch		X	Y
Grand Canyon Village		X	Y
Grand Teton Village		X	Y
John S. Park Historic Neighborhood		X	Y
Las Vegas Enterprise Park		X	Y
Las Vegas Medical District		X	Y
Las Vegas Spectrum		X	Y
Lone Mountain		X	Y
Lone Mountain West		X	Y
PD (Planned Development) District		X	Y
Redevelopment Plan Area	X		Y
Summerlin		X	Y
Technology Center		X	Y
T-D Traditional Development District		X	Y
T-C Town Center District		X	Y
West Las Vegas Plan		X	Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
C-V (Civic) District		X	Y
P-C (Planned Community) District		X	Y
R-PD (Residential Planned Development) District		X	Y
PD (Planned Development) District		X	Y
Downtown Overlay District		X	Y
G-O (Gaming Enterprise Overlay) District		X	Y
A-O (Airport Overlay) District		X	Y
H (Historic Designation)		X	Y
Downtown Casino Overlay District		X	Y
T-C (Town Center) District		X	Y
Downtown Entertainment Overlay District		X	Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District		X	Y
T-D (Traditional Development) District		X	Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>	X		Y

## DEVELOPMENT STANDARDS

Per Title 19.08.050(C)(6) mixed-use developments that exceed the permitted lot coverage limitation may be permitted upon approval of a Special Use Permit in accordance with Sections 19.04.050 and 19.18.060. In addition, a mixed-use development shall be subject to all of the following requirements:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100'	305'	Y
Min. Setbacks			
• Front	20'	20'	Y
• Side	8'	15'	Y
• Corner	15'	15'	Y
• Rear	8'	N/A	N/A
Min. Distance Between Buildings			N/A
Max. Lot Coverage	50%	60.57%	N *
Max. Building Height	N/A	N/A	N/A

Trash Enclosure	Yes	Yes	Y
Mech. Equipment Screened	Yes	Yes	Y
Commercial & Residential Component	Yes	Yes	Y
Commercial uses are facing public right of way	Yes	Yes	Y
Residential use are above the ground level	Yes	Yes	Y

\* Special Use Permit (SUP-20486) for a mixed-use project is a companion case.

Per Title 19.08.060(B) a waiver of the 3:1 proximity slope is allowed for any mixed-use development that contains a significant residential element.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	No/w waiver	No	Yes, if waiver is approved
Adjacent development matching setback	N/A	N/A	N/A
Trash Enclosure	Yes	Yes	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	2 Trees	10	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	48 Trees	123	Y
<b>TOTAL</b>				Y
Min. Zone Width	15 Feet		15 Feet	Y
Wall Height	N/A		N/A	N/A

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Studio & One bedroom units	457 Units	1.25 per unit + 1 per 6 units	647	N/A	648		
2 bedroom units	32 Units	1.75 per unit + 1 per 6 units	61	N/A	61		



3 bedroom units	8 Units	2 per unit + 1 per 6 units	17	N/A	16		
Handicapped Units	10 Units			10		10	
<b>Sub Total</b>	<b>497 Units</b>		<b>725</b>	<b>10</b>	<b>725</b>	<b>10</b>	
Office	64,800 SF	1 per 300 SF	216	7	216		
Retail	6,500 SF	1 per 250 SF	26	2	26		
Grocery	22,500 SF	1 per 250 SF	90	5	90		
Restaurant Seating	2,000 SF	1 per 50 SF	40	2	40		
Restaurant Other	3,600 SF	1 per 200 SF	18	1	18		
Other					6		
Handicapped						10	
<b>SubTotal</b>	<b>99,400 SF</b>		<b>390</b>	<b>17</b>	<b>396</b>	<b>10</b>	Yes
<b>TOTAL (including handicap)</b>			1,115	27	1,121	18	Yes
Loading Spaces			10		2		No

This project exceeds the minimum parking space requirements by 6 spaces. However, it does not meet the Title 19.10.010, 10 required loading dock spaces. It is short by 8 dock spaces. A companion variance (VAR-21263) case for this shortfall has been filed.

## ANALYSIS

The site plan takes advantage of the triangle shape of the property. The primary entrance is off of the 13<sup>th</sup> Street side of the project via a semi-circular driveway, although the legal front is off of the Lewis Avenue side. The parking garage is accessible from both sides with valet available on the 13<sup>th</sup> Street side. There are eight visitor/temporary surface parking spaces off of the semi-circular driveway. There are two small pedestrian oriented open spaces located at both the southwest and northeast corners of the lot. A five foot wide sidewalk surrounds the building on all three sides.

The first floor includes a grocery store on the west side of the building that includes a second floor section as well. At the center of the buildings first floor are a concierge, security, emergency room, valet and general office space off of the center lobby. The east/northeast part of the first floor features additional retail space. There are two levels of subterranean parking levels under the beneath the ground level. In addition to the upper level portion of the grocery store there is storage and more parking. Levels three thru nine is where the remaining parking spaces are located.

Level 10 features a fitness center and outdoor deck with a lounge and business center rounding out the rest of the level. The 11<sup>th</sup> and 12<sup>th</sup> floors are reserved for office space for the residents to use and/or rent. Levels 13 thru 43 are set aside for residential units. The 44<sup>th</sup> level is reserved for the buildings general offices. Levels 45 thru 49 are the larger residential units, some of which are two stories. A restaurant and outside pool are featured on the 50<sup>th</sup> or top level of the building.

The elevation of the building has several angled terraces and balconies that provide some vertical relief to the exterior elevations. The bulk of the building is center on the Lewis Avenue frontage with the rest of the building forming an 'L' shape on the lot. The building covers 60.57% of the lot which is 10.57% greater than what is permitted by code. A variance (VAR-20488) is a companion case to address this issue. Although the building offers vertical relief, a variance (VAR-20487) has been filed to address the fact that the 1:1 setback is not being met with this design. A third variance (VAR-21263) has been filed to address the shortage of loading docks. Of the required 10 loading docks, only two are provided.

The landscaping provided exceeds the minimum required for such a project. There are 171 trees ranging from twenty-five, 24" boxed Ginko Biloba to fifteen, 36" Olea Europaea 'Swan Hillswan Hill olive' trees. There are 542 5-gallon groundcover and bushes and an additional 205 15-gallon windmill palms allocated to the site. To finish the landscaping, there are small areas of fescue sod with the remaining area covered by decomposed coral pink granite.

METRO has provided their approval of the project. They have noted that similar high-rise buildings have posed a problem with communications and would like the applicant to meet with them to find ways to alleviate their concerns.

## FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

Staff does not believe this project is compatible with the adjacent developments due to the large mass, height and scale of the proposed building.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

No, three variances are required in order for this project to be approved as proposed. The variance to remove the required 1:1 building setback would exaggerate the bulk and scale of the project in relationship to the surrounding one and two-story buildings. Likewise, for the additional footprint of the building from 50% lot coverage to 60.57% lot coverage.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The collector streets adjacent to the project are capable of absorbing the traffic generated by this project.

4. **Building and landscape materials are appropriate for the area and for the City;**

The building and landscape material are acceptable for the inter-city location of the project.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Aside from the sheer bulk and scale of the building that overwhelm the neighboring properties, the building is visibly appealing. This building would be a welcome addition to the city had it been located within the Downtown Centennial Plan area of the city.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Although METRO has given their approval of the project, they expressed concerns over Communication abilities when they are inside such massive structures.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 469 by Planning Department

**APPROVALS** 7

**PROTESTS** 0